HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 721 (SB) OF 2002

J.S. Khera,
S/o Shri H.S. Khera,
P-56/2, Mall Road,
Dehradun, Uttaranchal. .....Petitioner.

Versus

1. Union of India, through Secretary Ministry of Defence, New Delhi.
2. The Garrison Engineer (Project) Dehradun, Cantt., Uttaranchal. .....Respondents.

Dated: 02.08.2006

Hon'ble Rajesh Tandon, J.

Heard Sri D.S. Patni, Advocate for the petitioner and Standing Counsel for the Central Government.

2. By the present writ petition, the petitioner has prayed for a writ of Mandamus commanding the respondent to reimburse the TA/DA for Rs. 4,400/- to the petitioner along with interest at the rate of 24%.

3. Briefly stated, the petitioner drew an amount of Rs. 2000/- in respect of TA/DA advance vide Voucher No. 00/GE(P)/DDN/261 dated 20-10-1999 while proceeding on temporary duty from the Dehradun to Bareilly under movement order No. 1006/TD/353/E1 dated 20.10.1999 and the Bill for adjustment was forwarded by Garrison Engineer Dehradun Cantt. To CDA Army Meerut vide Voucher No.

00/GE(P)/DDN/57 dated 08.05.2000, but according to the petitioner, instead of paying the amount of Rs. 3,200/-, the same was deducted from the salary of the petitioner for the month of December, 2000 for no reason.

4. Thereafter the petitioner drew an amount of Rs. 1,200/- in respect of TA/DA Advance vide Voucher No. 00/GE(P)/DDN/397 to Meerut vide Movement Order No. 1006/TD/67/E1 dated 29.01.2000 and the bill for adjustment was forwarded by Garrison Engineer vide Voucher No. 00/GE(P)/DDN/56 dated 8-5-2000, but instead of paying the said amount, the respondents deducted Rs. 1,200/- from the salary of petitioner for the month of February, 2001.

5. In the counter affidavit in paragraphs 5 and 6, it has been stated as under:

> *"5. That the contents of para 3 of the writ petition, it is submitted that CDA (Army) Neerut has reocvereed a sum of Rs. 3,200/- from regular pay bill of December, 2000 on account of outstanding advance of Rs. 2,000/- + 1,200/- = 3,200/- (As per Annexure 1).*
>
> *The position of the said recovered amount is as under:*
>
> *(a) The petitioner filed writ petition against the above recovery made by CDA (A) Meerut in regular pay bill for Rs. 3,200/-+1,200/-=4,400/-, but it is submitted that the recovered amount has already been paid to the petitioner as under.*
>
> *A copy of the same is being filed herewith and marked as CA-1 to this affidavit.*
>
> *(i) Rs. 2,000/- Already adjusted/passed in adjustment TA/DA claim vide Vr. No.*

00/GE(P)/DDN/57 dated 8.5.2000 and passed vide cheque slip no. 0413316 of 11.5.2001 and paid to the petitioner hence claim is wrong. A copy of the same is being filed herewith and marked as CA-2 to this affidavit.

(ii) Rs. 1,200/- Already adjusted/passed in adjustment TA/DA claim vide V. No. 00/GE(P)/DDN/56 dated 8.5.2001 and passed vide cheque no. 039925 dated 4/2001 and paid to the petitioner hence claim is wrong. A copy of the same is being filed herewith and marked as CA-3 to this affidavit.

(iii) Rs. 1,200/- A sy. Pay bill was sent to CDA(A) Meerut for wrong recovery made on Regular pay bill of 2/2001 vide our vr. No. 00/GE(P)/DDN/509 dated 27.2.2001 which was paid by CDA(A) Meerut vide cheque no. 911486 dated 16.3.2002. A copy of the same is being filed herewith and marked as CA-4 to this affidavit."

6. The contents of para 4 of the writ petition, it is submitted that a sum of Rs. 1,200/- was recovered wrongly by CDA(A) Meerut in the regular pay bill of Feb. 2001, for which a sy. Bill was forwarded to CDA(A) Meerut vide our Vr. No. 00/GE(P)/DDN/509 dated 27.2.2001 which has been passed by CDA(A) Meerut vide cheque no. 911486 dated 16.3.2001 and paid to the petitioner."

7. In view of the aforesaid statement given in the counter affidavit, since the first relief sought by the petitioner has already been granted, no further relief can be granted.

However, he has prayed for interest on the ground of non-payment of the amount.

8. However, liberty is given to the petitioner to approach the authority concerned for interest, which shall be considered in accordance with law within a period of three months from the receipt of the certified copy of this order.

9. In view of the above, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

02.08.2006
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